

INDEPENDENT REGULATORY REVIEW COMMISSION

2015 ANNUAL REPORT



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Pennsylvania's General Assembly created the Independent Regulatory Review Commission to provide independent oversight of the rulemaking process in Pennsylvania and to establish an ongoing and effective review of agency regulations. The Commission's mission is to review agency regulations in order to determine whether they are in the public interest. By evaluating the conformity of rulemakings with law, and their impact on the public and regulated community, we assist the General Assembly and the Governor in achieving a favorable regulatory balance and ensure the integrity of the regulatory process. This annual report details the Commission's activities in 2015.

In 2015, the Commission reviewed a total of 74 regulations, including 42 proposed and 32 final regulations. More than 4,100 public comments were submitted on pending regulations in 2015. 17 members of the House and Senate submitted comments on these regulations. Standing Committees submitted formal comments on nine rulemakings.

Notable regulations reviewed by the Commission in 2015 include: Modern Taxicab Standards (Philadelphia Parking Authority #3103 and Public Utility Commission #3033); Responsible Alcohol Management Program (Liquor Control Board #3093); and Collaborative Management of Drug Therapy (State Board of Pharmacy #3006). A full list of regulations received by the Commission in 2015 is attached.

Copies of all comments filed on these regulations, together with information on all actions taken concerning the regulations, is available on the Commission's website: www.irrc.state.pa.us.

Looking ahead, the Commission will continue its role as an independent oversight body reviewing agency regulations and determining whether the criteria set forth in Pennsylvania's Regulatory Review Act have been satisfied.

Proposed Regulations

The following is an explanation of the action codes for Proposed Regulations:

- NONE** Commission did not submit comments.
- OPEN** Regulation was received in 2015 with Commission action due in 2016.
- WDN** **Withdrawn** – A regulation submitted as proposed that was withdrawn by the Agency before IRRC issued comments.
- *** Final-form regulation delivered in 2015.

Final Regulations

The following is an explanation of the action codes for Final Regulations:

- AAW** **Approved After Withdrawal** – The final regulation was withdrawn, resubmitted and approved.
- ABL** **Approved by Law** – The final regulation was deemed to be approved because the Commission did not submit any comments on the proposed regulation, the regulation was not modified from its proposed form and the designated standing committees did not disapprove the final regulation.
- APP** **Approved** – The final regulation was approved.
- DIS** **Disapproved** – The final regulation was disapproved by the Commission at its public meeting.
- LAC** **Later Approved with Changes** – After an initial disapproval, the regulation was approved with changes at the Commission’s second public meeting.
- N/A** Indicates this was a final-omitted regulation and was, therefore, not published in the *Pennsylvania Bulletin* for public comment.
- NONE** The Commission did not submit any comments on the proposed regulation.
- OPEN** Regulation was received in 2015 with Commission action due in 2016.
- WDN** A final regulation submitted but withdrawn prior to Commission action. A withdrawn final regulation may be resubmitted within two years after the close of the public comment period. A withdrawn final-omitted regulation may be resubmitted as a new final-omitted regulation at any time.
- **** Reviewed by the Commission at the Proposed stage in 2015 and delivered as a Final-form regulation in 2015.

BOARD OF CLAIMS

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
03/06/15 03/11/15	#105-5	Rules of Procedure	#3089	N/A	03/11/15 WDN 04/16/15 AAW

Amends the Board of Claims' existing rules of procedure.

BOARD OF FINANCE AND REVENUE

PROPOSED REGULATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
03/10/15	#64-5	General Provisions; Tax and Other Appeal Proceedings	#3091	07/15/15

Provides for administrative procedures related to the filing, consideration and final resolutions of appeals from decisions of the Department of Revenue.

DEPARTMENT OF AGRICULTURE

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
04/16/15	#2-159	Preferential Assessment of Farmland and Forest Land under the Clean and Green Act	#3015	10/03/13	05/28/15 APP

Implements the Clean and Green Act.

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
05/15/15 06/05/15	#7B-7	State Forest Picnic Areas	#3072	11/05/14	06/05/15 WDN 07/09/15 AAW

Reorganizes, clarifies and updates state forest regulations.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Board of Coal Mine Safety

FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
09/09/15	#7-488	Standards for Surface Facilities	#3067	10/02/14	11/12/15 APP

Implements existing federal mine safety requirements for the surface areas of underground mine sites.

Environmental Quality Board

PROPOSED REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
03/09/15	#7-493	Security Rule for Radioactive Material	#3090	NONE*

Amends existing regulations to reference a new Nuclear Regulatory Commission security regulation.

07/13/15	#7-491	Control of Volatile Organic Compound Emissions from Miscellaneous Metal Parts Surface Coating Processes, Miscellaneous Plastic Parts Surface Coating Processes and Pleasure Craft Surface Coatings	#3109	11/12/15
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Adopts Reasonably Available Control Technology requirements and emission limitations for stationary sources of Volatile Organic Compound emissions for miscellaneous metal parts and plastic parts surface coating processes.

07/13/15	#7-490	Control of Volatile Organic Compound Emissions from Automobile and Light-Duty Truck Assembly Coating Operations and Heavier Vehicle Coating Operations	#3110	11/12/15
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Adds Reasonably Available Control Technology requirements and emission limitations for stationary sources of Volatile Organic Compound emissions from automobile and light-duty truck assembly coating operations and heavier vehicle coating operations.

09/22/15	#7-494	Safe Drinking Water; Revised Total Coliform Rule	#3119	12/31/15
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Amends Pennsylvania's Safe Drinking Water regulations to incorporate federal requirements needed to retain primary enforcement authority for the Revised Total Coliform Rule.

09/23/15	#7-496	Remining Requirements	#3121	12/02/15
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Updates existing regulations to reflect federal regulatory requirements.

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action

09/09/15	#7-487	Control of Volatile Organic Compound Emissions from Fiberglass Boat Manufacturing Materials	#3066	10/22/14	11/12/15 APP
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Adopts reasonably available control technology requirements and emission limitations for stationary sources of volatile organic compound emissions from fiberglass boat manufacturing materials.

06/04/15	#7-489	Land Reclamation Financial Guarantees and Bioenergy Crop Bonding	#3074	12/24/14	07/09/15 APP
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Establishes the framework for implementing the Bioenergy Crop Reclamation Initiative and for providing Land Reclamation Financial Guarantees to surface mining operators.

11/06/15	#7-493	Security Rule for Radioactive Material	#3090	NONE	12/09/15 ABL**
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Amends existing regulations to reference a new Nuclear Regulatory Commission security regulation.

DEPARTMENT OF HEALTH

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action

05/07/15	#10-193	Schedules of Controlled Substances	#3099	N/A	06/18/15 APP
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Amends the schedules of controlled substances.

DEPARTMENT OF LABOR AND INDUSTRY

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action

09/22/15	#12-100	Uniform Construction Code	#3120	N/A	11/12/15 APP
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Updates the Uniform Construction Code to adopt certain revisions to the International Code Council codes.

12/18/15	#12-101	Uniform Construction Code	#3127	N/A	OPEN
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Updates the Uniform Construction Code to adopt provisions of the International Building Code of 2015 and the American National Standards Institute.

DEPARTMENT OF STATE

Bureau of Professional and Occupational Affairs

PROPOSED REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
10/31/14	#16A-6516	Schedule of Civil Penalties - Physical Therapists and Physical Therapist Assistants	#3085	NONE

Establishes civil penalties for failure to complete the required amount of continuing education and for practicing on a lapsed license or certificate.

05/20/15	#16A-4413	Schedule of Civil Penalties - Podiatrists	#3100	08/05/15
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Establishes civil penalties for practicing or offering to practice podiatry with an expired license and failing to complete 50 hours of approved continuing education.

05/29/15	#16A-5514	Schedule of Civil Penalties - Accountants	#3105	NONE
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Amends the schedule of civil penalties for violations of the Board's regulations.

FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
04/24/15	#16A-5212	Schedule of Civil Penalties - Optometrists	#3051	NONE	05/27/15 ABL

Implements a schedule of civil penalties for practicing optometry with an expired license and for failing to complete 30 hours of approved continuing education.

State Board of Accountancy

PROPOSED REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
05/29/15	#16A-5513	Act 73 and Act 15 Amendments	#3104	08/12/15

Updates existing regulations to conform to statutory amendments.

State Board of Auctioneer Examiners

FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
10/17/14 11/10/14 03/13/15	#16A-649	Schedule of Fees	#2982	05/08/13	11/10/14 WDN 04/16/15 AAW

Increases biennial renewal fees for auctioneers, apprentice auctioneers, and auction houses and companies.

State Board of Certified Real Estate Appraisers

PROPOSED REGULATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed

07/28/15	#16A-7021	Appraisal Management Companies	#3113	10/07/15
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Governs the registration of appraisal management companies as required by the "Appraisal Management Company Registration Act."

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action

10/29/15	#16A-7020	Biennial License Fee for Licensed Appraiser Trainees	#3025	12/04/13	12/10/15 APP
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Establishes a biennial license renewal fee of \$150 for licensed appraiser trainees.

State Board of Chiropractic

PROPOSED REGULATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed

05/29/15	#16A-4324	Radiological Procedures Examination	#3106	NONE
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Requires auxiliary personnel seeking to sit for a radiological procedures examination to apply and pay the fee directly to the testing service.

State Board of Nursing

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action

04/24/15	#16A-5126	Continuing Education; Reporting of Crimes and Discipline	#3046	04/02/14	05/28/15 APP
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Amends continuing education regulations and requires licensees to report criminal and disciplinary actions/sanctions.

State Board of Osteopathic Medicine

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action

12/18/15	#16A-5328	Genetic Counselors	#3043	02/26/14	OPEN
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Provides for the licensure and regulation of genetic counselors.

State Board of Pharmacy

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
06/03/15	#16A-5425	Collaborative Management of Drug Therapy	#3006	07/03/13	07/09/15 APP

Provides for collaborative management of drug therapy between physicians and pharmacists and clarifies liability insurance obligations for pharmacists engaging in collaborative management of drug therapy.

State Board of Physical Therapy

PROPOSED REGULATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
10/31/14	#16A-6515	Continuing Education Enforcement	#3084	01/14/15

Addresses the failure to complete the required amount of continuing education.

State Registration Board for Professional Engineers, Land Surveyors and Geologists

PROPOSED REGULATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
05/04/15	#16A-4713	Renewal Fee	#3097	07/15/15

Increases the renewal fee for licensees.

DEPARTMENT OF TRANSPORTATION

PROPOSED REGULATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
10/28/14	#18-461	Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic	#3083	01/07/15

Authorizes persons to direct, control and regulate traffic and establishes safety attire standards for those persons.

04/29/15	#18-465	Physical and Mental Criteria Including Vision Standards Relating to the Licensing of Drivers	#3096	07/08/15
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Updates medical requirements and standards for license holders that are being treated for brain disease, cognitive impairment or a mental/emotional disorder.

05/21/15	#18-435	School Bus Drivers	#3102	NONE
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Lists the minimum medical requirements for school bus drivers.

06/09/15	#18-436	Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers; Field of Vision; Loss of Consciousness	#3107	08/19/15
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Updates field of vision requirements for all license holders and requirements for license holders that have had more than one episode of loss of consciousness in the preceding 12 month period.

06/29/15	#18-464	School Bus Drivers; Medical Requirements and Standards	#3108	09/09/15
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Updates the minimum standards for school bus drivers diagnosed with a brain disease, cognitive impairment or a mental or emotional disorder.

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action

08/19/15	#18-463	Authorized Vehicles and Special Operating Privileges	#3078	NONE	10/07/15 ABL
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Designates certain vehicles as "authorized vehicles" that may use one or two flashing or revolving yellow lights.

ENVIRONMENTAL HEARING BOARD

PROPOSED REGULATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed

12/09/15	#106-12	Practice and Procedure	#3126	OPEN
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Updates and clarifies the Board's rules of practice and procedure.

INSURANCE DEPARTMENT

PROPOSED REGULATIONS				
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed

08/05/15	#11-253	Requirements for Qualified and Certified Reinsurers	#3115	NONE*
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Deletes the requirements that an alien reinsurer be listed on the National Association of Insurance Commissioners "Quarterly Listing of Alien Insurers" to be considered as a qualified reinsurer.

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action

11/30/15	#11-253	Requirements for Qualified and Certified Reinsurers	#3115	NONE	OPEN**
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Deletes the requirements that an alien reinsurer be listed on the National Association of Insurance Commissioners "Quarterly Listing of Alien Insurers" to be considered as a qualified reinsurer.

INDEPENDENT REGULATORY REVIEW COMMISSION

PROPOSED REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
10/13/15	#70-9	General Revisions	#3125	OPEN

Updates existing regulations to clarify definitions and procedures for delivery of regulations and to ensure consistency with the Regulatory Review Act.

PENNSYLVANIA GAMING CONTROL BOARD

PROPOSED REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
03/11/15	#125-187	Fortune Asia Poker; Table Game Rules of Play	#3092	05/20/15

Amends the rules of play for Asia Poker and adds two additional side wagers to the game.

07/15/15	#125-188	Table Game Rules of Play	#3111	09/30/15
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Adds a new table game, transitions nine temporary table game chapters to permanent regulations, updates surveillance requirements and amends current dealer minimum training requirements.

07/15/15	#125-189	Hybrid Gaming Tables and Electronic Wagering Terminals	#3112	09/30/15
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Adds hybrid gaming tables to the complement of table games available for play in the Commonwealth.

08/04/15	#125-192	Heads-Up Hold 'Em and High Card Flush; Table Game Rules of Play	#3114	10/14/15
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Adds two new table games to the complement of table games available for play in the Commonwealth.

11/23/15	#125-196	Saigon 5 Card; Table Game Rules of Play	#3118	OPEN
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Adds a new table game, Saigon 5 Card, to the complement of games available for play in the Commonwealth.

11/23/15	#125-195	Three Card Prime; Table Game Rules of Play	#3124	OPEN
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Adds a new table game, Three Card Prime, to the complement of games available for play in the Commonwealth.

FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
03/11/15	#125-175	Licensing; Slot Software; Count Room Characteristics; Credit; Table Game Rules	#3040	01/15/14	04/16/15 APP

Comprehensive amendments to 13 chapters pertaining to licensing.

10/10/14 03/11/15	#125-184	Possession of Weapons within a Licensed Facility	#3075	N/A	11/17/14 WDN 04/16/15 AAW
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Eliminates the Board's regulatory prohibition on the possession of firearms and other weapons within a licensed facility in conformance with Act 10 of 2011.

PENNSYLVANIA LIQUOR CONTROL BOARD

PROPOSED REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	

10/28/14	#54-80	Breweries	#3082	01/07/15*	
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Clarifies the privileges of breweries with regard to on-premises consumption of the malt or brewed beverages produced on the licensed premises.

11/05/14	#54-81	Economic Development Licenses	#3086	02/04/15*	
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Sets forth criteria for an applicant to demonstrate it has exhausted reasonable means to find a suitable license within the existing county quota law.

03/11/15	#54-79	Responsible Alcohol Management Program	#3093	06/10/15*	
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Allows third parties to create their own curriculums for the Responsible Alcohol Management Program and submit them for Bureau of Alcohol Education approval.

04/21/15	#54-69	Discount Pricing Practices	#3094	07/22/15*	
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Amends provisions relating to discount pricing practices to be consistent with amendments to the Liquor Code.

05/05/15	#54-84	Right To Occupy	#3098	07/29/15*	
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Amends existing regulations to reflect that an applicant may establish its right to occupy proposed licensed premises through a means other than a lease or deed.

09/02/15	#54-85	Limited Wineries	#3117	11/25/15	
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Amends existing regulations to make them consistent with the Liquor Code.

09/15/15	#54-83	Posting Requirements for Extension	#3095	WDN 06/24/15 12/23/15	
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Increases the time period during which an application to extend licensed premises must be posted at the premises from 15 days to 30 days.

10/29/15	#54-86	Management Contracts	#3123	OPEN	
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Eliminates the blanket prohibition of a pecuniary interest being held by a management company.

FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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05/15/15	#54-74	Conversion of Suspension to Fine	#3026	12/04/13	06/18/15 APP
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Increases the minimum fines that can be imposed when the Board is asked to convert an unserved suspension into a fine.

03/06/15	#54-80	Breweries	#3082	01/07/15	04/16/15 APP**
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Clarifies the privileges of breweries with regard to on-premises consumption of the malt or brewed beverages produced on the licensed premises.

04/09/15	#54-81	Economic Development Licenses	#3086	02/04/15	05/28/15 APP**
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Sets forth criteria for an applicant to demonstrate it has exhausted reasonable means to find a suitable license within the existing county quota law.

08/20/15	#54-79	Responsible Alcohol Management Program	#3093	06/10/15	10/08/15 APP**
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Allows third parties to create their own curriculums for the Responsible Alcohol Management Program and submit them for Bureau of Alcohol Education approval.

10/14/15	#54-69	Discount Pricing Practices	#3094	07/22/15	12/10/15 APP**
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Amends provisions relating to discount pricing practices to be consistent with amendments to the Liquor Code.

09/03/15	#54-84	Right To Occupy	#3098	07/29/15	10/08/15 APP**
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Amends existing regulations to reflect that an applicant may establish its right to occupy proposed licensed premises through a means other than a lease or deed.

PENNSYLVANIA PUBLIC UTILITY COMMISSION**PROPOSED REGULATIONS**

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed
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02/27/15	#57-308	Paper Billing Fees	#3087	05/13/15
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Prohibits tariff provisions that charge customers a fee to receive a paper bill.

02/27/15	#57-307	Automatic Adjustment Clauses Related to Electric Default Service	#3088	05/13/15*
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Establishes a symmetrical rate of interest to be applied to over and under collections of utilities' actual costs and revenues collected through automatic adjustment clauses regarding electric default service.

05/20/15	#57-309	Customer Information Disclosure Requirements for Natural Gas Suppliers Providing Natural Gas Supply to Residential and Small Business Customers	#3101	08/05/15
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Amends customer information disclosure regulations.

FINAL REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
02/27/15 04/22/15	#57-296	Motor Carrier Vehicle List and Vehicle Age Requirements	#3033	12/18/13	04/16/15 DIS 05/28/15 LAC

Eliminates the vehicle list requirements for taxis and limousines; eliminates the waiver exception for vehicle age limitation for taxis; and replaces the vehicle age limitation for limousines with a mileage requirement.

09/24/15 11/09/15	#57-297	Recovery of Fuel Costs by Gas Utilities	#3038	01/16/14	11/05/15 WDN 12/10/15 AAW
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Revises and streamlines information and procedures small gas utilities use when submitting gas cost rate filings.

02/27/15	#57-298	Household Goods in Use Carriers and Property Carriers	#3041	01/22/14	04/16/15 APP
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Amends existing regulations to eliminate the requirement that applicants for authority establish a public demand or need for service and modifies insurance requirements.

09/24/15	#57-307	Automatic Adjustment Clauses Related to Electric Default Service	#3088	05/13/15	11/12/15 APP**
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Establishes a symmetrical rate of interest to be applied to over and under collections of utilities' actual costs and revenues collected through automatic adjustment clauses regarding electric default service.

PHILADELPHIA PARKING AUTHORITY

PROPOSED REGULATIONS					
Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	

10/29/14	#126-10	Image Retention and Use	#3081	01/14/15*	
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Establishes requirements related to the limited retention and use of taxicab safety camera images.

05/28/15	#126-11	Modern Taxicab Standards	#3103	08/12/15	
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Requires all vehicles proposed for medallion taxicab service after a designated date to be wheelchair accessible and comply with the wheelchair accessible regulations, including vehicle age and mileage requirements.

08/06/15	#126-12	Safety Camera Requirements	#3116	NONE*	
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Removes the safety camera image transmission requirement.

FINAL REGULATIONS

Date Received	Agency & Regulation #	TITLE	IRRC #	Comments Filed	Final Action
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07/02/15 08/17/15	#126-10	Image Retention and Use	#3081	01/14/15	08/10/15 WDN 09/17/15 AAW**
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Establishes requirements related to the limited retention and use of taxicab safety camera images.

11/24/15	#126-12	Safety Camera Requirements	#3116	NONE	OPEN**
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Removes the safety camera image transmission requirement.